

## **REMARKS AND ARGUMENTS**

### ***Drawings***

The drawings were objected to under 37 CFR 1.83(a) for failing to show every feature of the invention specified in the claims. Applicant has amended the claims such that the objections to the drawings are obviated. More specifically, the language of the claims was amended to show that the pivoting ball is not meant to be claimed as an element of the invention but, rather, is recited only to inform the structure of a "substantially U-shaped elevated slot." Because the pivoting ball is not an element of the invention as claimed, it is not necessary to show it in the drawings. However, the elevated slot feature is clearly shown in the drawings. Applicant respectfully requests the withdrawal of the objections to the drawings.

### ***Claim Rejections - 35 USC § 112***

Claims 1-4, 6-14 and 16-18 were rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The Office stated that the "pivoting ball" feature of the claims is not supported in the disclosure. Applicant submits that amendments to the claims clarify that the pivoting ball feature is only recited to inform the structure of the elevated slot element of independent claims 1 and 11; that is, the pivoting ball is a contextual recitation. Applicant does not regard the pivoting ball itself as part of the invention. Applicant submits that the written description does support a "substantially U-shaped elevated slot *shaped to*

receive a pivoting ball mount mechanism." The drawings and the specification fully describe the elevated slot feature.

Claims 1-4, 6-14 and 16-18 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Again, Applicant submits that the amendments to the claims eliminate any ambiguity regarding that which Applicant considers to be part of the invention. The Office was correct in assuming that only the tethering system subcombination is meant to be claimed. The "pivoting ball" and "personal device" are only recited to give context to and inform the structure of the tethering system.

For at least the reasons stated above, Applicant respectfully requests the withdrawal of the rejections of the claims (except for claims 2 and 12 which are canceled) under 35 USC 112.

#### ***Claim Rejections - 35 USC § 102***

Claims 1-4, 7-14, 17 and 18 were rejected under 35 U.S.C. 102(b) as being anticipated by Thompson et al. (US 5,524,749) ("Thompson"). Of these claims, 1 and 11 are independent. The following discussion will focus on the independent claims with a brief discussion of the dependent claims following. Although Applicant does not agree with the Office's determinations regarding patentability, some of the claims have been amended to more fully describe the subject matter therein.

Thompson does not teach all the limitations of claims 1 and 11. As amended these claims both teach a tethering system that requires "a substantially U-shaped elevated slot shaped to receive a pivoting ball mount mechanism." Thompson does not teach this feature. Instead, Thompson teaches a safety card

case for machine readable cards having an enclosure 12 of generally rectangular shape. See Thompson: FIG.1A-1C; col. 2, lines 41-58. The enclosure 12 has a front flap 14 that folds over and keeps the machine readable cards inside the enclosure 12. Contrary to the Office's statement, the enclosure of Thompson is not capable of allowing attachment of personal device having with a pivoting ball mount mechanism. Thompson does not teach any slot to receive such a device, only a pouch designed to hold machine readable cards (e.g., credit cards).

Additionally, Thompson fails to teach the "lanyard loop" feature required by Applicant's amended claims 1 and 11. The Office cites FIGs.1B-1C as disclosing this limitation. See Office Action: page 6. Applicant respectfully disagrees with this characterization. As stated in the claims, the lanyard loop is "suspended such that there is no tension between said tether housing and said personal device when mounted." The safety card case in Thompson teaches a button that may be activated so that the tether may be retained in an extended position. This is different from the lanyard loop of claims 1 and 11 that automatically prevents tension on the tether housing without having to be activated.

Furthermore, there would have been no motivation to alter the safety card case of Thompson to achieve the tethering system of claims 1 and 11. Just because, as the Office states, "[a]n electronic device having a pivoting ball *could* certainly be attached to the tether in place of the cards" does not mean that such a limitation is actually disclosed or even suggested in the reference. Applicant submits that neither is the case. Claims 1 and 11 are allowable.

Claims 3-4 and 7-10 depend from claim 1; claims 13, 14, 17 and 18 depend from claim 11. As such, these dependent claims are also allowable. Claims 2 and 12 are canceled.

Claims 1, 4 and 8-10 were rejected under 35 U.S.C. 102(e) as being anticipated by Wong (US 6,546,103 B1) ("Wong"). Similarly as Thompson, Wong fails to teach "a substantially U-shaped elevated slot" element as required by Applicant's claims 1 and 11. Instead, Wong teaches a securing mechanism for mobile phones that has a retaining plate 23 and a holding plate 30 designed to mate with each other. See Wong: FIG.5; col. 2, lines 24-33. Wong does not disclose or suggest using a slot capable of receiving a pivoting ball mount mechanism. This difference is important for several reasons. For example, Wong requires mounting a retaining plate to the back of a mobile phone, whereas the elevated slot of claims 1 and 11 is designed to receive pivoting balls that are already used with several popular cell phone brands.

Wong also fails to teach the lanyard loop feature required by claim 1. The securing mechanism of Wong is designed such that there would be tension between the spool case 10 and the case 21.

Claim 1 is allowable. Claims 4 and 8-10 depend from claim 1 and, as such, are also allowable.

For at least the reasons stated above, Applicant respectfully requests the withdrawal of the rejections of the claims under 35 U.S.C. 102.

### ***Claim Rejections - 35 USC § 103***

Claims 1, 4, 6 and 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tien (US 5,620,120 A) ("Tien") in view of Wong. As discussed above, Wong does not teach a lanyard loop as required in claim 1. Tien also fails to teach this

limitation. The references, taken alone or in combination, fail to teach all the limitations of claim 1; therefore, claim 1 cannot be rendered obvious by the references. Claim 1 is allowable.

Claims 4, 6 and 8-10 all depend from claim 1 and, as such, are also allowable.

Claims 11, 14, 16 and 18 were rejected under 35 U.S.C. 103(a) as being unpatentable over Tien in view of Wong and further in view of Decoteau (US 6,502,727 B1) ("Decoteau"). As discussed above, Tien and Wong fail to disclose the lanyard loop required by claim 11. Decoteau fails to teach this element as well. In Decoteau, when the electronic device 30 is in the mounted position (as shown in Fig. 3), tension will be present between the spool 32 and the connector element 20. Decoteau does not teach a lanyard loop designed to prevent this tension. Because the references, taken alone or in combination, do not teach all the limitations of claim 11, the claim is not rendered obvious. Claim 11 is allowable.

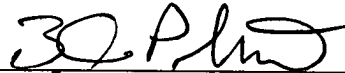
Claims 14, 16 and 18 all depend from claim 11 and, as such, are also allowable.

For at least the reasons discussed above, Applicant respectfully requests the withdrawal of the rejections of the claims under 35 U.S.C. 103.

CONCLUSION

Applicant submits that claims 1, 3, 4, 6-11, 13, 14 and 16-18 are in condition for allowance and respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,



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